

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

v.

4:94CR00205-01-WRW

FREDERICK LEE JACKSON

ORDER REDUCING SENTENCE

Pursuant to 18 U.S.C. § 3582(c)(2), on the Court's own motion and with the agreement of the United States Attorney and the Federal Public Defender, Defendant's sentence is reduced to time served as of March 3, 2008.

This District elected to take a proactive approach in implementing the crack cocaine amendment, which applies retroactively effective March 3, 2008.¹ For that purpose, a team that included representatives from the United States Attorney, the Federal Public Defender, and the United States Probation Office worked together to: (1) compile a list of potentially eligible defendants; (2) establish a priority for defendants, based on projected release dates; and (3) review the files to determine eligibility.

The team unanimously concluded that Defendant is eligible to be considered for a reduction of his sentence. Probation has provided the Court with an Addendum to the Presentence Report ("Addendum") which includes information pertinent to public safety considerations. The United States Attorney and the Federal Public Defender have also been provided with this Addendum. Neither objects to a sentence reduction.

¹ See United States Sentencing Commission Sentencing Guidelines, Amendment 706 (reducing the guideline range for crack cocaine offenses, effective November 1, 2007) and Amendment 711 (making Amendment 706 retroactive, effective March 3, 2008).

A sentence reduction under the retroactive crack cocaine amendment is not mandatory, but rather, is discretionary with the Court. The Court has independently reviewed the original Presentence Report and the recently prepared Addendum. It has also considered the relevant factors under 18 U.S.C. § 3553(a).

The Court exercises its discretion to reduce Defendant's sentence to TIME SERVED as of March 3, 2008. The Order is entered before March 3, 2008 solely to accommodate the Bureau of Prisons' request for ten (10) days' notice to implement any sentence reduction, and to avoid unfairly penalizing Defendant, who is entitled to release from BOP custody on March 3, 2008.

The Clerk is directed to mail a copy of this Order to Defendant.

IT IS SO ORDERED this 15th day of February, 2008

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE